



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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March 6, 2012

To: Senator Joan Hartley, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety & Security Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5394, AAC Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year and are engaged in countless home improvement projects.

While we support the goal of HB 5394 to mandate smoke and carbon monoxide (CO) detectors in all homes, we strongly oppose how it is implemented in this bill. As an alternative, we offer a substitute bill that achieves the same goal of requiring smoke and CO detectors in all dwelling units, following the Massachusetts model.

As we testified before the Insurance & Real Estate Committee in support of HB 5141, which requires smoke and CO detector disclosures on the real estate property condition disclosure form, it is simply foolish for anyone to not have these relatively inexpensive yet life-saving devices in their home.

However, the language of HB 5394 unnecessarily and greatly complicates the code compliance and construction process for all existing homeowners, new home construction and home improvement projects. As worded, it could also impose huge costs and disruption on homeowners if hard-wired systems are required in existing homes. To achieve the goal, the bill essentially amends the wrong statute and in the wrong way. It's convoluted new language and deletions create tremendous conflicts between the State Building Code, which includes the International Residential Code (IRC) by which 1&2 family homes are built, and the State Fire Safety Code, which contains many provisions beyond smoke and CO detector requirements. There are many fire safety requirements in the IRC, applicable to both new home construction and to home improvement work on 1&2 family dwellings, that could be confusing at best, and in direct conflict at worst, with requirements in the State Fire Safety Code, which applies to non-1&2 family dwellings.

In addition, HB 5394 as drafted could require that for any home improvement work in a home built after 10-1-1985, battery operated detectors are not an option, i.e., the

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homeowner would have to tear down drywall to install hard wired detection systems whenever any home improvement work is done. For example, if you pull a building permit to construct a deck on the back of your house, HB 5394 would require the installation of hard-wired, battery backed up smoke and CO detectors throughout the home. Also, the designation of specific types of smoke detectors, lines 43-45, is not appropriate given the continually improving technology of these devices. We urge you reference performance based standards from the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) for these devices without specifying the specific type(s).

Section 2 of the bill addresses detector use during construction activity, but it should be redrafted to require temporary, battery operated detectors and somehow address device manufacturers' warnings that detectors should be covered during construction to avoid damage from dust.

We know from research studies and work over many years on fire safety issues in new home construction that smoke detectors and CO detectors save lives. Smoke and CO detectors are required to be installed in new home construction. **Since 1984, smoke detectors have been hard wired, with battery backup, in all new homes.** Many other fire-safety building code improvements were also adopted around that time and later as well. **CO detectors were required in 2005 in all new construction, with some common sense exceptions.** **In addition, smoke and CO detectors are required to be installed whenever internal home improvement work is done that requires a building permit be issued.** The problem that everyone wants to address, however, is reaching additional existing homes to ensure they have these life safety devices. So, our alternative to HB 5394 is simply to mandate the requirement in all homes (i.e., dwelling units to use the language of codes).

For any such requirement, however, we urge you to also consider how these requirements are to be enforced given that the Fourth Amendment to the U.S. Constitution does not allow inspections of homes without a warrant. Other than construction work, which CT codes already cover for both new homes and home improvement work, the only other trigger point to reach into an existing home is at the point of property transfer. Before the Insurance & Real Estate Committee on HB 5141, we urged the committee to overcome the inherent weakness of CT's property condition disclosure form by requiring the seller to certify that smoke and CO detectors are installed and working properly or provide the buyer the opportunity to inspect such devices and obtain a certification from a home inspector. These certifications, however, may create additional liability and may be uninsurable. **Nonetheless, we address this issue also in our substitute language attached. Our proposal is much more simple and straight-forward, achieves the goal of mandating CO and smoke detectors in existing homes, and does so without the conflicts and confusion that current HB 5394 creates.**

Please do not adopt the current language of HB 5394, and consider the attached as a substitute. Thank you for considering our comments on this important life-safety legislation.

Proposed Substitute for HB 5394, AAC Smoke and CO Detectors and Alarms in Residential Buildings Dwelling Units (replace the entire bill with the following). Note: Section 4 of the substitute below picks up the concept in HB 5141 that amends the real estate property condition disclosure report; HB 5141 was passed out of the Insurance & Real Estate Committee with a joint favorable report on February 28.

Be it enacted by the Senate and House of Representatives in General Assembly convened (*effective upon passage*):

1 Section 1. (NEW) (a) All existing dwelling units, including private dwellings occupied by
2 one and two families, shall be equipped with smoke detection and warning equipment and
3 carbon monoxide detection and warning equipment. Such detection and warning
4 equipment shall be of a type or any technology that is readily available for retail sale,
5 provided the equipment is tested and certified pursuant to standards issued by the American
6 National Standards Institute and Underwriters Laboratory, may be powered solely by
7 battery and may be equipment that combines smoke and carbon monoxide detection
8 technology into a single device.

9
10 (b) In order to comply with the requirement of subsection (a) of this section, (1) owners of
11 one and two family dwellings shall install such equipment on each level of habitation and
12 on the basement level in the following manner: outside each separate sleeping area, and on
13 the ceiling of each stairway leading to the floor above; and (2) owners of other dwelling
14 units shall install such equipment pursuant to the placement requirements of the State Fire
15 Safety Code.

16
17 Section 2. (NEW) In any dwelling unit, including private dwellings occupied by one and
18 two families, that is occupied during interior alterations, additions or other interior
19 construction work requiring a permit, the temporary installation of battery operated (A)
20 smoke detection and warning equipment, and (B) carbon monoxide detection and warning
21 equipment if a combustion source is present, shall be required during and in the area of
22 such alterations, additions or construction work. Such detection and warning equipment
23 shall be of a type or any technology that is readily available for retail sale, provided the
24 equipment is tested and certified pursuant to standards issued by the American National
25 Standards Institute and Underwriters Laboratory, and may be equipment that combines
26 smoke and carbon monoxide detection technology into a single device.

27
28 Section 3. (NEW) Nothing in section 1 or section 2 of this act shall affect the requirements
29 for construction of any dwelling units contained in the State Building Code or State Fire
30 Safety Code.

31
32 Section 4. Amend subdivision (1) of subsection (d) of section 20-327b of the general
33 statutes (the real estate property condition disclosure report) by adding the following:
34 (D) Whether there are smoke detectors and carbon monoxide detectors installed in a
35 dwelling pursuant to the requirements of section 1 of this act, and whether there have been
36 any known problems with such detectors and an explanation of such problems.
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